



MINUTES
OCONEE COUNTY COUNCIL MEETING
Regular Meeting
July 21, 2015

MEMBERS, OCONEE COUNTY COUNCIL
Mr. Wayne McCall, District II, Council Chairman
Mr. Paul Cain, District III, Vice Chairman
Ms. Edda Cammick, District I, Chairman Pro Tem
Mr. Joel Thrift, District IV
Mr. Reg Dexter, District V

Oconee County Council met at 6:00 PM in Council Chambers, 415 South Pine Street, Walhalla, SC with all Council Members, County Administrator Scott Moulder, County Attorney Thomas Martin and Elizabeth G. Hulse, Clerk to Council present.

Press: Pursuant to the Freedom of Information Act, notice of the meeting, date, time, place of meeting and agenda were posted on the bulletin board at the County Administrative Offices, 415 South Pine Street, Walhalla, SC, and the County Council website [www.oconeese.com/council]. In addition it was made available [*upon request*] to the newspapers, radio stations, television stations and concerned citizens.

Members of the press present: Ray Chandler/Anderson Independent & Steven Bradley/The Daily Journal.

Call to Order

Mr. McCall called the meeting to order at 6:00 p.m.

Public Comment Session

Mr. Jim Bennett, Tiki Hut manager, addressed Council in opposition to passage of Ordinance 2015-18 as written.

Mr. Ward Fetrow addressed Council in opposition to the Destination Oconee plan and his concerns with the SC Heritage Corridor's finances [handout filed with these minutes].

Mr. John Dalen addressed Council regarding MERS reading from a handout [copy filed with these minutes] and his opposition to passage of the Destination Oconee plan.

Mr. Ryan Honea, Planning Commission member, addressed Council in opposition to passage of Ordinance 2015-22.

Mr. Mike Hamor addressed Council in opposition to the Destination Oconee plan; asking that money be directed to road repairs.

Ms. Donna Linsin addressed Council in opposition to the Destination Oconee plan; asking for a postponement on the vote to allow for more public review.

Mr. Dick Hughes, Board of Zoning Appeal member, addressed Council in opposition to passage of Ordinance 2015-22.

Ms. Darlene Greene addressed Council in support of the Destination Oconee plan.

Mr. Berry Nichols, Board of Zoning Appeal member, addressed Council in support for passage of Ordinance 2015-22.

County Council Response to Public Comment

Ms. Cammick thanked those present for their comments; noting that the Destination Oconee is only a starting point to develop plans for the future. She stated that if Council approves the document that it will be in concept only and that work will be done to pull out only those recommendations that Council wants to implement.

Motion to Amend Agenda

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to amend the agenda to add an additional item to the Executive Session for the purpose of discussion of a pending litigation matter related to the airplane tax lawsuit.

Moment of Silence

Mr. McCall asked for a moment of silence prior the Invocation by the County Chaplain.

Invocation by County Council Chaplain:

Mr. Tom Martin, County Council Chaplain, gave the invocation.

Pledge of Allegiance:

Mr. Dexter led the Pledge of Allegiance to the Flag of the United States of America.

Approval of Minutes:

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the June 16, 2015 regular meeting minutes as presented.

Presentations to Council

Outdoor Amphitheater / Lakeside Landscaping

Ms. Kim Ramsey, Lakeside Landscaping, addressed Council noting their work with investors to develop an outdoor amphitheater focusing on family friendly / affordable events in Oconee County. She requested that Council review Ordinance 2015-18 and establish reasonable standards related to noise at outside events.

First & Final Reading of the Following Proclamations:

Proclamation P2015-08 “A PROCLAMATION HONORING MR. TOMMY ADAMS FOR HIS FIFTY YEARS OF PUBLIC SERVICE TO OCONEE COUNTY”

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Proclamation P2015-08** on first and final reading.

Mr. McCall stepped forward to present the Proclamation to Mr. Adams who was joined by many members of his fire department along with family members.

Administrator’s Report & Agenda Summary

Mr. Moulder briefly reviewed with Council and for the public’s benefit specifics related to the following matters before Council at this meeting:

- Public Hearings: 2015-19
- Third & Final Readings: 2015-19
- Second Reading for Ordinances: 2015-20, 2015-22
- First Reading for Ordinances – Title Only: 2015-23, 2015-24
- Presentation to Council
- Discussion Items
- Board / Commission Appointments
- Council Committee Report
- Old Business
- New Business
- Executive Session

Public Hearings regarding the Following Ordinances

Ordinance 2015-19 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE FINANCE AGREEMENT AMONG OCONEE COUNTY, SOUTH CAROLINA, **US BUILDING INNOVATIONS, INC. AND FOOTHILLS INVESTORS LLC** (FORMERLY KNOWN TO THE COUNTY AS PROJECT CRYSTAL), WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL RECEIVE CERTAIN INFRASTRUCTURE CREDITS IN RESPECT OF INVESTMENT IN RELATED INFRASTRUCTURE; AND OTHER MATTERS RELATED THERETO”

Mr. McCall opened the floor for Public Comment.

Mr. McCall asked if any citizens wished to address Council.

Mr. Richard Blackwell, Oconee Economic Alliance Director, addressed Council and introduced Mr. Aaron Roussey, CEO, US Building Innovations.

Mr. Roussey thanked Council for their work with his company; stating that he looks forward to growing his business in Oconee County.

No other citizens addressed Council.

Mr. McCall asked if any citizens wished to submit written comments regarding this ordinance; no citizen presented any written comments for the record.

Mr. McCall closed the Public Hearing regarding **Ordinance 2015-19**.

Third & Final Reading of the Following Ordinances

Ordinance 2015-19 “AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE FINANCE AGREEMENT AMONG OCONEE COUNTY, SOUTH CAROLINA, **US BUILDING INNOVATIONS, INC. AND FOOTHILLS INVESTORS LLC** (FORMERLY KNOWN TO THE COUNTY AS PROJECT CRYSTAL), WITH RESPECT TO CERTAIN ECONOMIC DEVELOPMENT PROPERTY IN THE COUNTY, WHEREBY SUCH PROPERTY WILL RECEIVE CERTAIN INFRASTRUCTURE CREDITS IN RESPECT OF INVESTMENT IN RELATED INFRASTRUCTURE; AND OTHER MATTERS RELATED THERETO”

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 5 – 0 to approve **Ordinance 2015-19** on third and final reading.

Second Reading of the Following Ordinances

Ordinance 2015-20 “AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN OCONEE COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH PICKENS COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO”

[re: Project Crystal]

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve **Ordinances 2015-20** on second reading.

Ordinance 2015-22 “AN ORDINANCE CANCELLING, REVOKING, AND RESCINDING OCONEE COUNTY ORDINANCE 2014-24 AND ITS SUBSEQUENT CODIFICATION; AND OTHER MATTERS RELATED THERETO”

Ms. Cammick made a motion, seconded by Mr. Cain, approved 3 – 2 [Mr. Dexter & Mr. Thrift opposed] to approve **Ordinances 2015-22** on second reading.

First Reading of the Following Ordinances

Ordinance 2015-23 [title only] “AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, DIVISION 8 OF THE CODE OF ORDINANCES OF OCONEE COUNTY PERTAINING TO THE CAPITAL PROJECTS ADVISORY COMMITTEE; AND OTHER MATTERS RELATED THERETO”

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to approve **Ordinances 2015-22** on first reading in title only.

Ordinance 2015-24 [title only] “AN ORDINANCE TO AMEND SECTION 2-191. “APPOINTMENT; DUTIES” OF DIVISION 4. “COUNTY ATTORNEY” OF ARTICLE III. “OFFICERS AND EMPLOYEES” OF CHAPTER 2. “ADMINISTRATION” OF THE OCONEE COUNTY CODE OF ORDINANCES; AND OTHER MATTERS RELATED THERETO”

Mr. Cain made a motion, seconded by Ms. Cammick to approve **Ordinances 2015-22** on first reading in title only.

Lengthy discussion followed with various opinions offered to include concerns that Council would no longer be involved in the hiring and/or termination of the attorney; need for separation of responsibilities to ensure best advice given; previous council discussions regarding establishment of county attorney department; other SC counties chain of command as it relates to the county attorney, etc.

Mr. Martin was asked by Mr. Cain for his opinion as it relates to Attorney General Opinion 87-2 [copy filed with these minutes]. Mr. Martin noted that based on a Supreme Court case and the attorney general opinion he believed that state law gives the County Administrator the authority to hire and supervise the County Attorney. Lastly, Mr. Martin noted that most counties in South Carolina do not handle the county attorney in this manner with their Council’s hiring/firing the attorney but day to day supervision the responsibility of the County Administrator.

Mr. Moulder noted that supervision of an employee that he does not hire/fire creates difficulties in ensuring work flow and prioritization of issues.

Additional discussion followed.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 4 – 1 [Mr. Dexter opposed] to table action regarding **Ordinance 2015-22**.

Presentations to Council

“Destination Oconee: Realizing the Future of Oconee County”

Ms. Michelle McCollum, SC Heritage Corridor, addressed Council utilizing a PowerPoint presentation [copy filed with these minutes] highlighting key aspects of the plan to include:

- Branding & Marketing
- Tourism Destination Recommendations
- Guidelines for Growing Oconee County
- Funding Options & Case Studies
- Key Recommendations
- Next Steps [*this slide presented by Mr. Moulder*]

Council thanked Ms. McCollum for her presentation.

Discussion Regarding Action Items

“Destination Oconee: Realizing the Future of Oconee County” Plan Adoption

Council discussed various aspects of the plan; noting their desire to create an advisory committee with citizen membership to provide input regarding components included in the plan. Discussion followed.

Mr. Cain made a motion, seconded by Mr. Thrift, to [1] adopt the Great Outdoors Plan, and [2] direct staff to begin drafting action plans related to the recommendations included within the plan for Council’s future action.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to amend the motion as follows: [2] direct staff to begin drafting action plans, in conjunction with an advisory committee to be created by Council, related to the recommendations included within the plan for Council’s future action.

Mr. McCall called for the vote on the motion as amended. The motion passed 5 – 0.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to direct the Administrator to begin work to develop a plan to upgrade Oconee County gateway signs and to develop marketing instruments.

Used Wheel Loader / Rock Quarry / \$242,000

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to approve the purchase of one Used 2014 Kawasaki 95Z7 Wheel Loader from May Heavy Equipment, LLC, of Columbia, SC for the cost of \$242,000.

RFP 14-02 / Inmate Food Services / \$221,846.50

Mr. Dexter made a motion, seconded by Mr. Cain, approved 5 – 0 to (1) the award of RFP 14-02, Inmate Food Services to Trinity Services Group, Inc., of Oldsmar, FL, in the amount of \$221,846.50 for a 10 month contract; (2) approve any additions to these food costs based on fluctuations in the ADP, as long as the food budget for the Detention Center is not exceeded, and (3) authorize the County Administrator to renew this contract for an additional four years, as long as the amount does not exceed the food amount budgeted for the Detention Center.

RFP 14-16 / Mini Pumper Truck / Crossroads Fire Dept. / \$221,299

Mr. Thrift made a motion, seconded by Mr. Dexter, approved 5 – 0 to award of RFP 14-16 for a Mini Pumper Truck for Cross Roads Rural Fire Station 13 to Fouts Brothers Fire Equipment of Smyrna, GA in the amount of \$221,229.

PO # 51446, CO #1 / W. K. Dickson / Airport / \$110,000

Mr. Dexter made a motion, seconded by Mr. Thrift, approved 5 – 0 to approve the award of \$110,000 for Change Order #1 to PO 51446, to W. K. Dickson & Company, Inc. of Columbia, SC for construction phase services for the Stub Taxiway Project, which brings the total of this PO to \$230,000.

Board / Commission Appointments

Conservation Bank Board

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to appoint Ms. Jennifer Moss to the Conservation Bank Board.

Library Board

This matter was deferred pending receipt of questionnaires from interested candidates.

Council Committee Reports

Law Enforcement, Public Safety, Health & Welfare / Mr. McCall

Mr. McCall read from a written statement [copy filed with these minutes] highlighting discussions and recommendations from the July 14, 2015 meeting. He noted his disappointment with the consultant's plan regarding a recycling plan for Oconee County to meet the established 85% recycling goal.

Lengthy discussion followed with various opinions offered regarding a recommendation from the Committee regarding a potential nuisance property ordinance.

Mr. Dexter made a motion, seconded by Mr. Cain, approved 4 – 1 [Mr. McCall opposed] to direct the attorney to research and provide recommendations for a potential nuisance property ordinance.

Transportation / Mr. Thrift

Mr. Thrift read from a written statement [copy filed with these minutes] highlighting discussions and recommendations from the July 14, 2015 meeting.

Mr. Thrift made a motion, seconded by Ms. Cammick, approved 5 – 0 to:

[1] Regarding Willow Creek Subdivision: Direct staff to draft a letter to the bank and developer to identify if they would be willing to split the costs associated with the road repairs [1/3 county and remainder split between developer and bank] and to report back to the Committee their responses,

[2] Regarding Private Roads/ Assistance Options: Direct staff to explore possible options with an emphasis on potential assistance when public safety concerns are identified with the proviso that the County also limits their liability,

[3] Direct staff to draft an ordinance to rescind Ordinance 2012-28 which created the Stone Pond Special Tax District, and

[4] Regarding Shadowood Subdivision: Direct staff to contact the developers to provide additional information to include [A] a recorded final subdivision plat, [B] provide as-built road right-of-way plan and profile, and [C] provide an Engineer's Certification listing any items not meeting the current road construction requirements.

Old Business:

Mortgage Electronic Registration Systems [MERS] Lawsuit / Mr. Moulder

Mr. Moulder reviewed with Council his findings regarding other SC counties participation in the MERS lawsuit. He stated that most of the counties he contacted were unfamiliar with the lawsuit and after review were not likely to file to join the suit as it had little or minimal impact on their counties. Mr. Moulder lastly reviewed potential costs vs. award related to Oconee County estimates. Discussion followed.

Council took no action regarding this matter at this meeting.

New Business:

Letter to SC Governor regarding Arming SC National Guard Members / Mr. McCall

Mr. McCall noted that he had directed staff to draft a letter to SC Governor Nikki Haley [copy attached] to request that the governor arm SC National Guard members. Mr. McCall suggested an amendment to add requesting all arms be loaded. Discussion followed.

Mr. McCall made a motion, seconded by Ms. Cammick, approved 5 – 0 to authorize staff to send the letter as amended.

Executive Session:

Mr. Cain made a motion, seconded by Mr. Thrift, approved 5 – 0 to enter Executive Session as allowed for in §30-4-70 (a) of the Code of Laws of South Carolina, as amended, 1976 for the purpose of: [1] discussion of annual employee evaluations for the Clerk to Council & County Administrator, [2] discussion regarding potential incentive packages for two Economic Development projects: Project Thermal and Project 96, [3] discussion of a pending litigation matter related to the MP2Net v. Oconee County, and [4] for the purpose of discussion of a pending litigation matter related to the airplane tax lawsuit.

Council entered Executive Session at 9:00 p.m.

Council returned from Executive Session at 10:42 p.m. on a motion by Mr. Thrift, seconded by Mr. Dexter, approved 5 – 0.

Mr. McCall stated that no action was taken in Executive Session.

Ms. Cammick made a motion, seconded by Mr. Cain, approved 5 – 0 to direct the Administrator and the Oconee Economic Alliance Director to proceed regarding Project Thermal as discussed in Executive Session.

Adjourn

Ms. Cammick made a motion, approved unanimously 5 – 0, to adjourn at 10:43 p.m.

Respectfully Submitted:

Elizabeth G. Hulse
Clerk to Council